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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

## NOEL VALDIVIA, SR.,

2:05-CV-00416-FCD DAD

Petitioner, **STIPULATION AND ORDER RE: CONDITIONS OF RELEASE**

JILL BROWN, et al.,

## Respondents.

## Respondents.

State prison inmate Noel Valdivia filed a Petition for Writ of Habeas Corpus challenging the Board of Parole Hearings' 2004 decision finding him unsuitable for parole, which this Court granted. Respondent appealed. Valdivia subsequently moved, under Federal Rule of Appellate Procedure, rule 23(c), for his immediate release pending the outcome of the appeal. On June 25, 2010, this Court granted the motion and ordered Valdivia released from prison within fifteen days. (Docket Entry 73, Minutes.) At the hearing on Valdivia's motion, the Court indicated that Valdivia was to be released on his own recognizance. The parties however, through their respective counsel, stipulate to supervision of Valdivia during his court ordered release.

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The parties consulted Pretrial Services regarding conditions of release and the conditions agreed upon are consistent in content and verbiage with those regularly imposed by Pretrial Services.

## Conditions of Release

1. You shall report to and comply with the rules and regulations of the Pretrial Services Agency;
2. You shall report in person to the Pretrial Services Agency on the first working day following your release from custody;
3. You are to reside at a location approved by the pretrial services officer and not move or absent yourself from this residence for more than 24 hours without the prior approval of the pretrial services officer;
4. Your travel is restricted to the Eastern and Northern Districts of California and you shall not travel outside the Eastern or Northern Districts without the consent of the pretrial services officer;
5. You shall not possess a firearm/ammunition, destructive device, or other dangerous weapon;
6. You shall refrain from any use of alcohol or any narcotic drug or other controlled substance without a prescription by a licensed medical practitioner; and you shall notify Pretrial Services immediately of any prescribed medication(s). However, medical marijuana, prescribed or not, may not be used;
7. You shall submit to drug or alcohol testing as directed by the pretrial services officer;
8. You shall obtain no passport during the pendency of this case;
9. You shall not associate or have any contact with known gang members;
10. You shall report any contact with law enforcement to your pretrial services officer within 24 hours;
11. You shall be subject to electronic monitoring at the discretion of your pretrial services officer. If the pretrial services officer determines that you will be subject to electronic monitoring, you will have a home monitoring unit installed in your residence, a radio frequency

1 transmitter device attached to your person, and shall comply with all instructions for the use and  
2 operation of said devices as given to you by the Pretrial Services Agency and employees of the  
3 monitoring company.

4 Dated: July 1, 2010

5 Respectfully submitted,

6 EDMUND G. BROWN JR.  
7 Attorney General of California

8 */s/ Jennifer A. Neill*

9 JENNIFER A. NEILL  
10 Supervising Deputy Attorney General  
11 *Attorneys for Respondent*

12 Dated: July 1, 2010

13 Respectfully submitted,

14 */s/ Daniel J. Broderick*

15 DANIEL J. BRODERICK  
16 Federal Defender  
17 *Attorney for Petitioner*

18 **IT IS SO ORDERED.**

19 Dated: July 1, 2010



20 FRANK C. DAMRELL, JR.  
21 UNITED STATES DISTRICT JUDGE